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Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Note verbale dated 1 August 2014 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the United Kingdom to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2127 (2013), and has the honour to attach its report pursuant to paragraph 42 of resolution 2134 (2014), on the steps taken by the Government of the United Kingdom to implement paragraph 54 of resolution 2127 (2013) and paragraphs 30 and 32 of resolution 2134 (2014) (see annex).

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Annex to the note verbale dated 1 August 2014 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

Security Council resolutions 2127 (2013) and 2134 (2014): United Kingdom implementation report

Legal background

Security Council resolutions are implemented into the domestic law of the member States of the European Union through European Council decisions and regulations, which have direct legal effect in each member State. The European Council additionally has the ability to adopt autonomous measures or designations of individuals not introduced at the United Nations level; however, such autonomous measures and listings only have effect within the territory of the European Union.

In its resolution 2127 (2013), the Security Council introduced an arms embargo on 5 December 2013. In resolution 2134 (2014), the Security Council introduced asset freeze and travel ban mechanisms on 28 January 2014; however, no individuals or entities were targeted at that stage. On 10 May, François Bozizé, Noureddine Adam and Levy Yakete were listed with these measures for their roles in undermining the peace, security and stability of the Central African Republic. The arms embargo was initially adopted by the European Union through Council Decision 2013/798/CFSP on 23 December 2013, and was further honed by Council Decision 2014/125/CFSP on 10 March 2014. The Council Decision also put forward the asset freeze and travel ban measures contained in Security Council resolution 2134 (2014). On 10 March 2014, the European Union adopted Council regulation No. 224/2014 in order to fully implement United Nations arms embargo, asset freeze and travel ban measures into European Union law. The three United Nations listings were adopted into European Union law through Council Implementing Decision 2014/382/CFSP and Council Implementing Regulation No. 691/2014 on 23 June 2014.

In addition to European Union implementation of United Nations measures into the law of European Union member States, the United Kingdom drafts its own legislation to implement sanctions measures in respect of domestic criminal offences in the United Kingdom and for its overseas territories. The United Kingdom also drafts its own domestic legislation to control arms exports.

Criminal offences that relate to breaches of financial sanctions set out in European Union regulations are implemented through domestic legislation, in the form of financial sanctions regulations. These domestic regulations are drafted by Her Majesty's Treasury, which introduced United Kingdom Statutory Instrument No. 587 (2014) to provide the appropriate legislation for European Union Council regulation No. 224/2014.

The Department for Business, Innovation and Skills is responsible for implementing the existing comprehensive national and European Union controls on the export of and trade in arms and other goods controlled for strategic reasons. These controls are contained in various national and European Union legal

instruments, notably the Export Control Order 2008 (as amended), the European Union Dual-Use Regulation (Council Regulation (EC) 428/2009), the European Union Torture Regulation (Council regulation No. 1236/2005) and the Radioactive Sources (Control) Order 2006.

The United Kingdom has responsibility for the implementation of Security Council resolutions in United Kingdom overseas territories that fall outside the jurisdiction of the European Union. The Foreign and Commonwealth Office has implemented the arms embargo, asset freeze and travel ban measures of resolutions 2127 (2013) and 2134 (2014) into overseas territory law through Statutory Instrument No. 1368 (2014); this is with the exception of Bermuda, which legislates independently to apply European Union sanctions, and Gibraltar, where these measures are implemented by Council Regulation No. 224/2014 and additional local legislation.

Embargoed goods, items and technical assistance

In paragraph 54 of resolution 2127 (2013), the Security Council decided that all Member States should immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Central African Republic, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories.

Export Control Order 2008 prohibits the export of arms and other military equipment and technology from the United Kingdom to any destination, unless the export has been authorized in writing by a licence granted by the Secretary of State for the Department for Business, Innovation and Skills. In addition, the Central African Republic is an "embargoed destination" for the purposes of United Kingdom controls on the brokering of military goods. As a result, it is prohibited for any United Kingdom person to conduct any act calculated to promote the supply or delivery of military goods from a third country to the Central African Republic, regardless of where in the world the act takes place, unless authorized in writing by a licence granted by the Secretary of State.

All applications for licences to export or broker controlled goods, or to provide related services, are assessed on a case-by-case basis against the consolidated European Union and national arms export licensing criteria. A licence would not be granted if to do so would be inconsistent with any of the criteria. In particular, criterion 1 deals with the United Kingdom international obligations and commitments in the field of arms control.

Any non-European Union aircraft operating commercially to or from the United Kingdom requires explicit permission to do so from the Secretary of State for Transport, who can revoke, suspend or vary permission as necessary. Similarly, if a European Union-registered aircraft were operating to or from the United Kingdom, and subsequently travelling to a point outside the European Union, it would also require such permission. This requirement for such permission from the Secretary of State for Transport would act as a means to ensure that the United

Kingdom's obligation to implement resolution 2127 (2013) were successfully honoured.

The Merchant shipping act 1995 provides for the inspection of any vessel in United Kingdom waters. If anyone were to obstruct inspection by the Maritime and Coastguard Agency in a United Kingdom port, they would be liable to arrest by the police.

Export and import of controlled goods without an appropriate licence is a criminal offence under the Customs and excise management act 1979; the brokering of military goods without an appropriate licence is a criminal offence under Export Control Order 2008. Both offences carry a maximum penalty of 10 years imprisonment and an unlimited fine. Her Majesty's Revenue and Customs is responsible for enforcing the controls and investigating potential or actual breaches. The Crown Prosecution Service is responsible for prosecuting breaches of the controls.

The Department for Business, Innovation and Skills makes available to exporters, traders and intermediaries comprehensive information on sanctions and export controls through its website pages, notices to exporters, and a programme of seminars and training courses; it also works closely with trade promotion bodies and relevant trade associations. The Department for Business, Innovation and Skills also offers a number of advisory services for businesses and individuals who wish to determine whether their activities are subject to any prohibitions or restrictions.

Travel ban

In paragraph 30 of resolution 2134 (2014), the Security Council decided that all Member States should take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee established pursuant to paragraph 57 of resolution 2127 (2013), provided that nothing in the paragraph should oblige a State to refuse its own nationals entry into its territory.

The United Kingdom implements the travel restriction elements of United Nations and European Union sanctions through designation under section 8B of the Immigration Act 1971 (as amended). Section 8B of the 1971 Act provides that a person who is subject to United Nations or European Union restrictive measures shall have any existing permission to enter or remain in the United Kingdom cancelled and shall be prohibited from entering the United Kingdom. Additionally, although not applicable in this case, any person who is already in the United Kingdom will have any permission to stay cancelled and, unless international obligations prevent the United Kingdom from doing so, steps will be taken to remove the person to their country of origin.

Following the listing of the three Central African Republic individuals with travel ban measures, the United Kingdom's watch lists have been updated with their details to ensure that they are refused entry into, or transit through, the United Kingdom.

Financial asset freezing

In paragraph 32 of resolution 2134 (2014), the Security Council decided that Member States should freeze without delay all funds, other financial assets and

economic resources which were on their territories, which were owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee established pursuant to paragraph 57 of resolution 2127 (2013), or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decided further that all Member States should ensure that any funds, financial assets or economic resources were prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities designated by the Committee.

Her Majesty's Treasury issued a notice to the United Kingdom financial sector on 12 March 2014, highlighting the asset freeze measures introduced into European Union member State law through Council Regulation No. 224/2014 on 11 March 2014.

A further notice was issued on 25 June 2014, instructing the United Kingdom financial sector to check whether any accounts or financial assets were held by the three listed individuals subject to Council Implementing Regulation No. 691/2014, which amended annex 1 of Council Regulation 224/2014 to reflect the United Nation's list established under resolution 2134 (2014). The note further stipulated that the United Kingdom's financial sector must freeze any such financial assets, if they were in fact identified upon completion of those checks. Last, the note highlighted that the United Kingdom's financial sector must refrain from dealing with the listed individuals and that Her Majesty's Treasury must be informed of any information relevant to the United Kingdom's compliance with Central African Republic asset freeze obligations. Relevant contact details for Her Majesty's Treasury were provided in the notice to facilitate communication with the United Kingdom's financial sector on issues and queries relating to the implementation of the asset freeze.

Her Majesty's Treasury has introduced criminal penalties for breaches of the asset freeze, through Statutory Instrument No. 587 (2014); punishment for breaches can be imprisonment for a maximum period of two years, a fine, or both.